

REMARKS

Entry of the foregoing and reconsideration of the subject application are respectfully requested in light of the amendments above and the comments which follow.

As correctly noted in the Office Action Summary, claims 6 and 39 are pending. By the present response, claims 5 and 39 have been amended and claims 63-64 added. Thus, upon entry of the present response, claims 6, 39 and 63-64 remain pending and await further consideration on the merits.

Support for the foregoing amendments can be found, for example, in at least the following locations in the original disclosure: the original claims, Figures 23-30 and the specification, paragraphs [0094]; [0101], [0104], [0105], and [0107]-[0110].

CLAIM REJECTIONS UNDER 35 U.S.C. §102

Claims 5 and 39 stand rejected under 35 U.S.C. §102(a) as being anticipated by U.S. Patent No. 4,595,187 to Bober (hereafter "*Bober*") on the grounds set forth in paragraph 3 of the Official Action. For at least the reasons noted below, this rejection should be withdrawn.

To anticipate a claim, the reference must teach every element of the claim. See MPEP § 2131. For example, "a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 814 F.2d 628, 631 (Fed. Cir. 1987). Here, the rejection is traversed because the cited reference does not teach every element of the claim. The following comments are offered.

Claim 5 and claim 39 are the independent claims at issue here. Claim 5 recites, *inter alia*, that the workpiece includes a plurality of anvils for crimping staples; the apparatus comprises a stapler assembly translatable transversely across a paper path of the apparatus to staple the stacked sheets at a plurality of positions corresponding to the plurality of anvils. Claim 39 recites, *inter alia*, that unloading the stack of collected and registered sheets from the workpiece is in an unloading direction, the unloading direction perpendicular to the fold axis.

The rejection is based on the disclosure in *Bober*. *Bober* discloses a rooftop shaped compiler tray 79 that receives folded sheets (col. 3, lines 56-57). As seen in Figs. 2 and 3, the sheets are moved to the compiler tray in a direction parallel to the fold in the sheets. Further and as seen in Fig. 1, the sheets are subsequently moved from the compiler tray 79 to the output stacker 96 in a direction parallel to the fold in the sheets. Fig. 2 of *Bober* illustrates the compiler tray 79 and associated components. These associated components include registration gates 80, 83, a saddle stapler 95 and an anvil 98. *Bober* discloses that the saddle stapler 95 is repositionable (col. 4, lines 19-20), which in this context is repositionable along the paper path in which the fold axis of the sheet is positioned.

Comparing the disclosure in *Bober* to the claims of the present application at issue here, the *Bober* patent does not disclose that the workpiece includes a plurality of anvils for crimping staples nor does it mention that the apparatus comprises a stapler assembly translatable transversely across a paper path of the apparatus to staple the stacked sheets at a plurality of positions corresponding to the plurality of anvils as presented in claim 5. Rather, *Bober* has a single anvil position and the stapler is translatable parallel to the paper path. Further, the *Bober* patent does not

disclose a method including unloading the stack of collected and registered sheets from the workpiece is in an unloading direction perpendicular to the fold axis as presented in claim 39. Rather, *Bober* unloads paper from the compiler tray to output tray in a direction parallel to the fold axis. In light of at least this difference, Applicant respectfully submits that an anticipatory rejection is improper since *Bober* does not teach all of the elements of the claim. See MPEP § 2131. Withdrawal of the rejection is respectfully requested.

CONCLUSION

From the foregoing, further and favorable action in the form of a Notice of Allowance is earnestly solicited. Should the Examiner feel that any issues remain, it is requested that the undersigned be contacted so that any such issues may be adequately addressed and prosecution of the instant application expedited.

Respectfully submitted,

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